

(Dollars in millions)

| | Budget authority | Outlays |
|-------------------------------------|------------------|---------|
| Mass transit Mandatory | | |
| Total | +4,367 | +3,384 |
| Revised Allocation: | | |
| General purpose discretionary | 606,674 | 597,098 |
| Highways | | 26,920 |
| Mass transit Mandatory | 327,787 | 310,215 |
| Total | 934,461 | 938,872 |

I hereby submit revisions to the 2001 budget aggregates, pursuant to section 311 of the Congressional Budget Act, in the following amounts:

(Dollars in millions)

| | Budget authority | Outlays | Surplus |
|---|------------------|-------------|----------|
| Current Allocation: Budget Resolution | \$1,528,412 | \$1,492,435 | \$10,765 |
| Adjustments: Emergencies | +4,367 | +3,384 | -3,384 |
| Revised Allocation: Budget Resolution | 1,532,779 | 1,495,819 | 7,381 |

HISPANIC HERITAGE MONTH 2000

Mr. DURBIN. Mr. President, I rise to offer some remarks on a timely and important topic—our national celebration of Hispanic Heritage Month.

Hundreds of years after the decline of the Spanish Empire, a new Hispanic presence is making itself felt on the world stage. Democracy is taking deep root throughout much of Latin America. Mexico just celebrated the selection of a new President in an election that is widely viewed as the freest and fairest election in that country's history. Central America is largely at peace. Free trade has spread south of our border, and will continue to spread further south.

And Hispanic Americans are taking their rightful place in this country as an important part of our thriving economy, as a wonderful contributor to the diversity of American culture, and as a powerful political force that deserves attention.

It is fitting, then—as National Hispanic Heritage Month is upon us—to recognize the Hispanic-American population for its many important contributions to the traditions and history of this nation. Started 32 years ago, this festive month acknowledges the great history of the Hispanic people, celebrate their past achievements, and recognizes that the Hispanic-American community is an essential component in the future of the United States.

Hispanics have immigrated to the United States for many different personal reasons. They have taken the journey to America in hope of a better life for themselves and their families. They have persevered throughout their struggle to maintain their own identity while learning to assimilate into American ways.

Today, the Hispanic population in the United States has expanded and become more diverse. It is now our fastest growing ethnic group, its population increasing almost four times as fast as the rest of the population. The

Hispanic population is projected to account for 44 percent of the growth in the nation's population between 1995 and 2025. Hispanics are literally changing the face of this nation.

The label "Hispanic-American" encompasses an enormous diversity of individuals. Hispanics are not a single ethnic group but are comprised of people from Puerto Rico, Cuba, Mexico, and the countries of Central and South America. This diversity has brought a tradition of resilience and excellence to the United States, a country that derives its strength from the diversity of its people.

There is an emerging awareness of the contributions and achievements Hispanics have made. Hispanic individuals are prominent in every aspect of American life. In the business world, such names as Adolfo Marzol, executive vice-president of Fannie Mae and George Munoz, CEO of the Overseas Private Investment Corporation, are being recognized. Oscar Hijuelos, the first American-born Hispanic to win the Pulitzer Prize for fiction, is known as one of literature's award-winning authors. Maria Hinojosa, a CNN correspondent, was named one of the most influential Hispanic Americans by Hispanic Business magazine, and has received many awards for her reporting. These are just some of the extraordinary individuals who contribute to Hispanic-American culture in our country.

A few of the names of Hispanic-Americans from my home state of Illinois will resonate in history, like Luis Alvarez, the Nobel Prize-winning physicist, who studied at the University of Chicago before going on to become a central figure in the Manhattan project during World War II. Others are heroes on a quieter scale, like Raymond Orozco who, until his retirement a few years back, headed the Chicago Fire Department with distinction, or Sandra Cisneros whose beautiful stories of women's courage in the midst of poverty have won her international acclaim. But most of all we benefit as a state and as a nation from the thousands of ordinary folks whose lives and dreams and everyday actions make this a richer, stronger, more interesting place to live.

The emergence of a sizable Hispanic-American population has been particularly notable in Illinois, to the great benefit of the state. More than a million Illinoisans are of Hispanic heritage. They own 20,000 businesses in the state and generate more than \$2 billion in commerce. More than a quarter of a million Hispanic-Americans are registered to vote here, and the state can boast over 1,000 elected officials—from school board members to members of Congress—of Hispanic heritage.

While celebrating Hispanic Heritage Month, we shouldn't blind ourselves to the problems that still beset the Hispanic-American community. The poverty rate among Hispanics is still unacceptably high, and Hispanic youth are

graduating from high school at rates significantly lower than the general population. Thankfully, many of these problems have abated in the last decade—unemployment among Hispanics is at historically low levels, for example—but there's still plenty of work to be done.

That's why I support the "2010 Alliance" crafted by Hispanic-American leaders and key policymakers, and announced by President Clinton this June. The Alliance sets educational goals for Hispanic-Americans in five key areas, such as increasing the rate of high school completion and increasing English language proficiency for students. The President's budget for 2001 contains more than \$800 million for programs to enhance educational opportunities for Hispanic-Americans.

I am also hoping to see passage this session of the Latino and Immigrant Fairness Act. This important piece of legislation will insure that all immigrants from Latin America are treated equally in the eyes of the law. The current system that treats immigrants from one country differently from those from another country is cumbersome, confusing and inherently unfair. This Act will also restore some important rights that have historically been offered to the immigrant population, but that are now denied to them due to the highly restrictive policies adopted in the past few years. The Latino and Immigrant Fairness Act as the support of virtually every Democratic Senator as well as strong support from President Clinton and Vice President GORE. I am working hard to overcome Republican resistance to the bill so that it can become law.

The Hispanic population has become an integral part of the American mosaic. We have become united by the aspiration to make a better life for ourselves and our children. We know that America and what it stands for—freedom, prosperity, and hope—should extend to everyone the opportunity to achieve their dreams.

Through the celebration of Hispanic Heritage Month we can deepen our understanding and appreciation for a culture that has been so influential in creating the America of today and that will help shape the America of tomorrow.

JUDICIAL NOMINATIONS

Mr. HATCH. Mr. President, during the last several weeks I have listened as some of my Democratic colleagues have taken the Senate floor to complain about the Senate's work on judicial nominations. Some have complained that there is a vacancy crisis in the federal courts. Some have complained that the Republican

Senate has not confirmed enough of President Clinton's judicial nominees. Some have complained that the confirmation record of the Republican Senate compares unfavorably to the Democrats' record when they controlled this body. Some have accused the Republican Senate of being biased against female and minority judicial nominees. These complaints and accusations are wholly false and completely without merit.

First, there is and has been no judicial vacancy crisis. In 1994, when Senate Democrats processed the nominations of President Clinton, there were 63 vacancies and a 7.4 percent vacancy rate. Today, when Republicans control the Senate and process the nominations of President Clinton, there are 63 vacancies and a 7.4 percent vacancy rate—exactly the same as in 1994. Of the current vacancies, the President has failed to make a nomination for 25 of them—strong evidence that, in fact, there is no vacancy crisis. Nevertheless, despite the fact that there are the same number of vacancies and the same vacancy rate now as in 1994, Democrats continue to claim that there is a vacancy crisis.

Second, the Republican Senate has been fair with President Clinton in confirming his nominees. In fact, the Senate has confirmed President Clinton's nominees at almost an identical rate as it confirmed those of Presidents Reagan and Bush. President Reagan appointed 382 Article III judges. By comparison, President Clinton has appointed 377 Article III judges—only five fewer than were appointed by President Reagan. During the Reagan presidency, the Senate confirmed an average of 191 judges per term. During the one-term Bush presidency, the Senate confirmed 193 judges. During the Clinton presidency, the Senate has confirmed an average of 189 judges per term.

Third, the confirmation record of the Republican Senate compares favorably to the Democrats' record when they controlled this body. Comparing like to like, this year should be compared to prior election years during times of divided government. In 1988, the Democrat-controlled Senate confirmed 41 Reagan judicial nominees. The Republican Senate this year has confirmed 39 of President Clinton's nominees—a nearly identical number.

The 1992 election year requires a bit more analysis. The Democrat-controlled Senate did confirm 64 Bush nominees that year, but this high number was due to the fact that Congress had recently created 85 new judgeships. Examining the percentage of nominees confirmed shows that compared to 1992, there is no slowdown this year. In 1992, the Democrat-controlled Senate confirmed 33 of 73 individuals nominated that year—or 45 percent. This year, the Senate has confirmed 25 of 46 individuals nominated in 2000—or 54 percent, almost 10 percent higher than in 1992. Those who cite the 1992 high of 64 confirmations as evidence of an election-year slowdown do not mention these details. Nor do they mention that despite those 64 confirmations, the Democrat-controlled Senate left vacant 97

judgeships when President Bush left office—far more than the current 63 vacancies.

Senate Democrats often cite Chief Justice Rehnquist's 1997 remarks as evidence of a Republican slowdown. Referring to the 82 vacancies then existing, the Chief Justice said: "Vacancies cannot remain at such high levels indefinitely without eroding the quality of justice that traditionally has been associated with the federal Judiciary." Senators who cite this statement, however, do not also cite the Chief Justice's similar statement in 1993, when the Democrats controlled both the White House and the Senate: "There is perhaps no issue more important to the judiciary right now than this serious judicial vacancy problem." As the head of the Judicial Branch, the Chief Justice has continued to maintain pressure on the President and Senate to speedily confirm judges. He has not singled out the Republican Senate, however.

The Chief Justice made additional comments in 1997, which also undermine the claim of a vacancy crisis. After calling attention to the existing vacancies, he wrote: "Fortunately for the Judiciary, a dependable corps of senior judges has contributed significantly to easing the impact of unfilled judgeships." The 63 current vacancies, in other words, are not truly vacant. There are 363 senior judges presently serving in the federal judiciary. Although judges' seats are technically counted as vacant, they continue to hear cases at reduced workload. Assuming that they maintain a 25 percent workload—the minimum required by law—the true number of vacancies is less than zero.

Last week, Senator HARKIN said that this year the Senate has confirmed only one circuit court nominee nominated this year, and Senator LEAHY said that this year the Judiciary Committee has reported only three circuit court nominees nominated this year. The fact is, however, the Senate has confirmed eight circuit judges this year. By comparison, the Democrat-controlled Senate confirmed seven of President Reagan's circuit court nominees in 1988 and 11 of President Bush's circuit court nominees in 1992.

It is true that of the eight circuit court nominees confirmed this year, some were nominated during the first session and some were nominated during the second session of this Congress—just as the seven Reagan circuit court nominees confirmed in 1988 and the 11 Bush circuit court nominees confirmed in 1992 were nominated in both the first and second sessions of those Congresses.

The fact that the Senate has confirmed eight circuit court nominees in this election year shows that we have been at least as fair to President Clinton with regard to appeals court nominees, as Democrats were to Presidents Reagan and Bush. The Senate has confirmed one more circuit court nominee in this last year of President Clinton's Presidency than Democrats confirmed in the last year of President Reagan's presidency, and only three circuit

judges fewer than Democrats confirmed in the last year of President Bush's presidency—when judicial vacancies were at an all time high.

Fourth, allegations of race or sex bias in the confirmation process are absolutely false and are offensive. Over the last several months, I have listened with dismay as some have, with escalating invective, implied that Senate Republicans are biased against minority or female judicial nominees.

Just this month, President Clinton issued a statement alleging bias by the Senate. He said: "The quality of justice suffers when highly qualified women and minority candidates are denied an opportunity to serve in the judiciary." The White House, though, also issued a statement boasting of the high number of women and minorities that Clinton has appointed to the federal courts: "The President's record of appointing women and minority judges is unmatched by any President in history. Almost half of President Clinton's judicial appointees have been women or minorities."

The Senate, obviously, confirmed this record number of women and minorities. That is hardly evidence of systemic bias. Indeed, it cannot credibly be argued that President Clinton has appointed a diverse federal bench and that Republicans simultaneously have prevented him from appointing a diverse federal bench.

Last November, Senator JOSEPH BIDEN, former Chairman of the Judiciary Committee, stated:

There has been argumentation occasionally made . . . that [the Judiciary] Committee . . . has been reluctant to move on certain people based upon gender or ethnicity or race. . . . [T]here is absolutely no distinction made [on these grounds] . . . [W]hether or not [a nominee moves] has not a single thing to do with gender or race. . . . I realize I will get political heat for saying that, but it happens to be true.

Why then have Democrats insisted on repeating the insidious mantra that the Republican Senate is discriminating against women and minorities in the confirmation process? Why did John Podesta, the President's Chief of Staff appear on CNN yesterday to complain that "women and minority candidates for U.S. Court of Appeals are sitting, stuck in the Senate Judiciary Committee"? Why did Senator ROBB take the Senate floor to accuse Senate Republicans, in inflammatory language, of "standing in the courthouse door" and refusing to "desegregate the Fourth Circuit"? Why did Senator LEAHY take the Senate floor and list all the female nominees currently pending?

Why? Because Democrats have made the crass political decision to attempt to energize women and minority voters by claiming that Senate Republicans are biased against women and minorities nominated for federal judgeships. This coordinated overture to female and minority voters by the White House, the Gore campaign and Senate Democrats is unseemly.

The President's determination to play politics with judicial nominations appears as if it will only intensify. Just last Friday, the President nominated African-American Andre Davis to a seat on the U.S. Court of Appeals for the Fourth Circuit, and it is my understanding that he will nominate a woman, Elizabeth Gibson, to that Court today.

The President has persisted in making these nominations, even though I have made clear to him that the Judiciary Committee will not hold any additional nominations hearing this year. The President nominated Mr. Davis and Ms. Gibson, knowing full well that they have no chance of being confirmed. Mr. Davis and Ms. Gibson are being used for political purposes, so the President and Democrats can argue that Senate Republicans are biased against women and minorities.

Senate Republicans, however, are not biased against women and minority nominees. Data comparing the median time required for Senate action on male vs. female and minority vs. non-minority nominees shows only minor differences. During President Bush's final two years in office, the Democrat-controlled Senate took 16 days longer to confirm female nominees compared with males. This differential decrease to only 4 days when Republicans gained control of the Senate in 1994. During the subsequent 105th and 106th Congresses, it increased.

The data concerning minority nominees likewise shows no clear trend. When Republicans gained control in 1994, it took 28 days longer to confirm minority nominees as compared to non-minority nominees. This difference decreased markedly during the 105th Congress so that minorities were confirmed 10 days faster than non-minorities. The present 106th Congress is taking only 11 days longer to confirm minority nominees than it is to confirm non-minority nominees.

These minor differences are a matter of happenstance. They show no clear trend. Senator BIDEN is right when he says that "whether or not [a nominee moves] has not a single thing to do with gender or race." And even if there were actual differences, a differential of a week or two is insignificant compared to the average time that it takes to select and confirm a nominee. On average, the Clinton White House spends an average of 315 days to select a nominee while the Senate requires an average of 144 days to confirm.

Under my stewardship, the Judiciary Committee has considered President Clinton's judicial nominees more carefully than the Democratic Senate did in 1993 and 1994. Some individuals confirmed by the Senate then likely would not clear the committee today. The Senate's power of advice and consent, after all, is not a rubber stamp.

There is no evidence, however, of bias or of a confirmation slowdown. There is no evidence of bias because, in fact, the Senate is not biased against female

and minority nominees—indeed, the Senate has confirmed a record number of such nominees for judicial office. Furthermore, there is no evidence of a confirmation slowdown because, in fact, the confirmation process has been conducted in the normal fashion and at the normal speed.

In conclusion, it always is the case that some nominations "die" at the end of the Congress. In 1992, when Democrats controlled the Senate, Congress adjourned without having acted on 53 Bush nominations. I have a list here of the 53 Bush nominees whose nominations expired when the Senate adjourned in 1992, at the end of the 102nd Congress. By comparison, there are only 40 Clinton nominations that will expire when this Congress adjourns. My Democratic colleagues have discussed at length some of the current nominees whose nominations will expire at the adjournment of this Congress. Madam President, I ask unanimous consent that this list of 53 Bush nominations that Senate Democrats permitted to expire in 1992 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUSH NOMINATIONS RETURNED BY THE DEMOCRAT-CONTROLLED SENATE IN 1992 AT THE CLOSE OF THE 102D CONGRESS

| Nominee | Court |
|--|-----------------------------------|
| Sidney A. Fitzwater of Texas | Fifth Circuit. |
| John G. Roberts, Jr. of Maryland | D.C. Circuit. |
| John A. Smetanka of Michigan | Sixth Circuit. |
| Frederico A. Moreno of Florida | Eleventh Circuit. |
| Justin P. Wilson of Tennessee | Sixth Circuit. |
| Franklin Van Antwerpen of Penn. | Third Circuit. |
| Francis A. Keating of Oklahoma | Tenth Circuit. |
| Jay C. Waldman of Pennsylvania | Third Circuit. |
| Terrence W. Boyle of North Carolina .. | Fourth Circuit. |
| Lillian R. BeVier of Virginia | Fourth Circuit. |
| James R. McGregor | Western District of Pennsylvania. |
| Edmund Arthur Kavanaugh | Northern District of New York. |
| Thomas E. Sholtz | Southern District of Florida. |
| Andrew P. O'Rourke | Southern District of New York. |
| Tony Michael Graham | Northern District of Oklahoma. |
| Carlos Bea | Northern District of California. |
| James B. Franklin | Southern District of Georgia. |
| David G. Trager | Eastern District of New York. |
| Kenneth R. Carr | Western District of Texas. |
| James W. Jackson | Northern District of Ohio. |
| Terrill R. Smith | Western District of Texas. |
| Paul L. Schechtman | Southern District of New York. |
| Percy Anderson | Central District of California. |
| Lawrence O. Davis | Eastern District of Missouri. |
| Andrew S. Hanen | Southern District of Texas. |
| Russell T. Lloyd | Southern District of Texas. |
| John F. Walter | Central District of California. |
| Gene E. Voigts | Western District of Missouri. |
| Manuel H. Quintana | Southern District of New York. |
| Charles A. Banks | Eastern District of Arizona. |
| Robert D. Hunter | Northern District of Alabama. |
| Maureen E. Mahoney | Eastern District of Virginia. |
| James S. Mitchell | Nebraska. |
| Ronald B. Leighton | Western District of Washington. |
| William D. Quarles | Maryland. |
| James A. McIntyre | Southern District of California. |
| Leonard E. Davis | Eastern District of Texas. |
| J. Douglas Drushal | Northern District of Ohio. |
| C. Christopher Hagy | Northern District of Georgia. |
| Louis J. Leonatti | Eastern District of Missouri. |
| James J. McMonagle | Northern District of Ohio. |
| Katharine J. Armentrout | Maryland. |
| Larry R. Hicks | Nevada. |
| Richard Conway Casey | Southern District of New York. |
| R. Edgar Campbell | Middle District of Georgia. |
| Joanna Seybert | Eastern District of New York. |
| Robert W. Kostelka | Western District of Louisiana. |
| Richard E. Dorr | Western District of Missouri. |
| James H. Payne | Oklahoma. |
| Walter B. Prince | Massachusetts. |
| George A. O'Toole, Jr. | Massachusetts. |
| William P. Dimitrouleas | Southern District of Florida. |
| Henry W. Saad | Eastern District of Michigan. |

Mr. HATCH. I would note that the Reagan and Bush nominations that Senate Democrats allowed to expire included the nominations of minorities

and women, such as Lillian BeVier, Frederico Moreno and Judy Hope.

I do not have any personal objection to the judicial nominees who my Democratic colleagues have spoken about over the last few weeks. I am sure that they are all fine people. Similarly, I do not think that my Democratic colleagues had any personal objections to the 53 judicial nominees whose nominations expired in 1992, at the end of the Bush presidency.

Many of the Republican nominees whose confirmations were blocked by the Democrats have gone on to great careers both in public service and the private sector. Senator JEFF SESSIONS, Governor Frank Keating and Washington attorney John Roberts are just a few examples that come to mind.

I know that it is small comfort to the individuals whose nominations are pending, but the fact of the matter is that inevitably some nominations will expire when the Congress adjourns. It happens every two years. I personally believe that Senate Republicans should get some credit for keeping the number of vacancies that will die at the end of this Congress relatively low. As things now stand, 13 fewer nominations will expire at the end of this year than expired at the end of the Bush Presidency.

HAWAII'S PREPAREDNESS FOR A WEAPON OF MASS DESTRUCTION TERRORIST INCIDENT

Mr. AKAKA. Mr. President, I rise to commend the joint efforts of the federal Department of Health and Human Services, HHS, the Honolulu Emergency Services Department, and Hawaii's Department of Health, and National Guard for establishing one of the Nation's premier weapons of mass destruction, WMD, containment, mitigation and response capabilities. As the ranking member of the Governmental Affairs Committee, Subcommittee on International Security, Proliferation, and Federal Services, I follow Federal terrorism defense programs closely, especially those that affect Hawaii.

Terrorism, particularly the threat of domestic terrorism, remains at the forefront of concern for all of us. Although it has been 7 years since the terrorist bombing of the World Trade Center and 5 years since the destruction of the Oklahoma City Federal Building, these unspeakable atrocities left an indelible mark in the hearts of all Americans. In the intervening years, the threat of terrorism has become more pronounced. The National Commission on Terrorism recently concluded that "... international terrorism poses an increasingly dangerous and difficult threat to America—to day's terrorists seek to inflict mass casualties, and they are attempting to do so both overseas and on American soil. This was underscored by the December 1999 arrests in Jordan and at the U.S./Canadian border of foreign nationals who were allegedly planning to